

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEVIN A. LAVORGNA,	)	
	)	
	)	
Plaintiff,	)	
	)	
-VS-	)	
	)	Civil Action No. 05-1610
	)	
JOHN E. POTTER, Postmaster General, U.S.	)	
Postal Service,	)	
	)	
	)	
Defendant.	)	

AMBROSE, Chief District Judge.

**MEMORANDUM OPINION**

This is an action alleging employment discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. ("Title VII") (Count I), the Federal Tort Claims Act, 28 U.S.C. § 1346(b) ("FTCA") (Count II), and the Pennsylvania Human Relations Act, 43 Pa. Cons. Stat. Ann. § 951 et seq. ("PHRA") (Count III). Pending is Defendant John E. Potter's ("Defendant") Partial Motion to Dismiss Plaintiff's Complaint. (Docket No. 4). Specifically, Defendant moves pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's FTCA and PHRA claims on the grounds that Title VII provides the exclusive remedy for claims of discrimination in federal employment. On February 16, 2006, Plaintiff filed a response to Defendant's Motion indicating that Plaintiff consents to the Motion to Dismiss. (Docket No. 8).

THEREFORE, this **21<sup>st</sup>** day of February, 2006, it is ORDERED that Defendant's

Partial Motion to Dismiss Plaintiff's Complaint (Docket No. 4) is GRANTED. It is further ORDERED that Counts II and III of the Complaint of Plaintiff Kevin A. Lavorgna are dismissed with prejudice.

The Case Management Conference scheduled for Monday, March 6, 2006, at 10:00 A.M will go forward as scheduled.

BY THE COURT:

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Donetta W. Ambrose,  
Chief U. S. District Judge